

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

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ORDERING DENYING THE MOTION FOR LEAVE TO FILE BRIEF OF
AMICUS CURIAE ON THE NEED FOR A HUMAN RIGHTS BASED
APPROACH TO THE GOVERNMENT OF PUERTO RICO DEBT RESTRUCTURING PROCESS

The Court has received the *Motion for Leave to File Brief of Amicus Curiae on the Need for a Human Rights Based Approach to the Government of Puerto Rico Debt Restructuring Process* (the “Motion,” Docket Entry No. 3486 in Case No. 17-3283) filed by the Civil Rights Commission of Puerto Rico (the “Movant”). In the First Circuit, the acceptance of amicus briefs is within the sound discretion of the court. *Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970). Absent joint consent of the parties, a district court “should go slow in accepting, and even slower in inviting, an amicus brief unless, [] a party . . . has a special interest that justifies his having a say, or unless the court feels that existing counsel may need supplementing assistance.” *Id.*

The proffered amicus brief does not reference or purport to be tied to specific issues raised in any pending motion or adversary proceeding. No debt restructuring plan is

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

currently before the Court, and the Court does not have unilateral power to propose a debt restructuring plan given that the Oversight Board has the sole authority to propose such a plan pursuant to PROMESA. See 48 U.S.C.A. § 2172(a) (West 2017). Accordingly, the amicus brief is not pertinent to the Title III proceedings at this time, and the Movant has not established that it has a special interest in this case that justifies the filing of an amicus brief at this juncture.

The Motion is denied without prejudice to a future application in connection with litigated matters, and without prejudice to ongoing communications and education work by the Movant outside of the Title III court proceedings. This Order resolves Docket Entry No. 3486.

SO ORDERED.

Dated: July 11, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge